

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Brandon Calledare

v.

Civil No. 14-cv-416-LM

Samantha Potter

REPORT AND RECOMMENDATION

Pro se plaintiff Brandon Calledare has filed a "Motion of Crimination" (doc. no. 1) that the court has construed and docketed as a complaint in a civil case. The complaint is before the court for preliminary review, pursuant to 28 U.S.C. § 1915(e)(2) and LR 4.3(d)(2).

Standard

In determining whether a pro se pleading states a claim, the court construes the pleading liberally. See Erickson v. Pardus, 551 U.S. 89, 94 (2007). Disregarding any legal conclusions, the court considers whether the factual content in the pleading and inferences reasonably drawn therefrom, taken as true, state a facially plausible claim to relief. Hernandez-Cuevas v. Taylor, 723 F.3d 91, 102-03 (1st Cir. 2013) (citing Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)).

Background

In the complaint, Caledare states that he was having a discussion with a person of his acquaintance, Samantha Potter. Caledare asserts that the conversation led to Potter "deserting/abandoning [Caledare] & [their] conversation which wasn't fully fulfilled." Caledare asserts that Potter has thus violated her legal and moral duty to make things right between them.

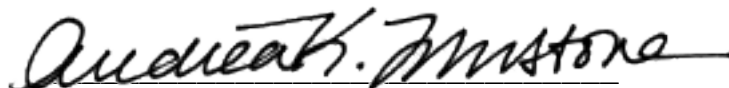
Discussion

This court has jurisdiction over lawsuits that assert claims presenting a "federal question," pursuant to 28 U.S.C. § 1331, or that assert "diversity" of the parties and an amount in controversy in excess of \$75,000, pursuant to 28 U.S.C. § 1332. Caledare has not asserted facts to demonstrate the existence of either federal question or diversity jurisdiction to enable the court to hear this case. Accordingly, the action should be dismissed in its entirety for want of jurisdiction.

Conclusion

For the foregoing reasons, the court recommends that the district judge dismiss this action in its entirety for want of jurisdiction. Any objections to this report and recommendation

must be filed within fourteen days of receipt of this notice. See Fed. R. Civ. P. 72(b)(2). Failure to file objections within the specified time waives the right to appeal the district court's order. See United States v. De Jesús-Viera, 655 F.3d 52, 57 (1st Cir. 2011); Sch. Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010).

A handwritten signature in black ink, reading "Andrea K. Johnstone". The signature is written in a cursive, flowing style. The first name "Andrea" is written in a larger, more prominent script, followed by "K." and "Johnstone". The signature is positioned above the printed name and title.

Andrea K. Johnstone
United States Magistrate Judge

October 30, 2014

cc: Brandon Calledare, pro se